

1 KE "JASON" WANG
2 CHUNYAN "CATHY" GE
3 WOODSIDE CAPITAL LLC
4 MORGAN VENTURES LLC
5 WALNUT VENTURE LLC
660 Covington Rd.
Los Altos CA 94024
(650) 796-7118
wangkejason@gmail.com

6 DEFENDANT'S IN PRO PER

RECEIVED

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SUSAN M. SOUTHD
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA) Case No.:
and **COUNTY OF SANTA CLARA**)

Plaintiff(s),

vs.

KE WANG, CHUNYAN GE, WOODSIDE CAPITAL LLC, WALNUT VENTURE LLC, MORGAN VENTURE LLC, AND DOES 1-100.

Defendant(s).

NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1441(b) DIVERSITY BY
DEFENDANT KE "JASON" WANG AND
CHUNYAN "CATHY" GE

SVK

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE, that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants KE WANG, CHUNYAN GE, WOODSIDE CAPITAL, WALNUT VENTURE LLC, and MORGAN VENTURE LLC, jointly and severally, and proceeding *in proper*, the defendants in this civil action, hereby removes this civil action from the Superior Court of California for the County of Santa Clara, where it is currently pending as Case No. 20CV368215, to the United States District Court for the Northern District of California.

SUBJECT MATTER JURISDICTION

2 The civil action being removed was initiated in the SUPERIOR COURT OF CALIFORNIA,
3 COUNTY OF SANTA CLARA, on or about COMPAINT FOR JINJUCTIVE RELIEF AND
4 DAMAGES, and was assigned docket number 20CV368215.

5 This Court has original jurisdiction over this action under 28 U.S.C. § 1332(a) on the
6 grounds that complete diversity exists between all parties and the amount in controversy exceeds
7 the sum of \$75,000, exclusive of interest and costs.

8 As set forth more fully below, this Court has subject matter jurisdiction under 28 U.S.C. §
9 1332, which confers original jurisdiction of “all civil actions where the matter in controversy
10 exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between ... citizens of
11 different States and in which citizens or subjects of a foreign state are additional parties[.]”

12 “In actions seeking declaratory or injunctive relief, it is well established that the amount in
13 controversy is measured by the value of the object of the litigation.” *Cohn v. PetSmart, Inc.*, 281
14 F.3d 837, 840 (9th Cir. 2002) (quoting *Hunt v. Wash. State Apple Advert. Comm’n*, 432 U.S. 333,
15 347 (1977)). The Ninth Circuit employs the “either viewpoint” test to determine the value of the
16 object of the litigation. *Corral v. Select Portfolio Servicing, Inc.*, 878 F.3d 770, 775 (9th Cir. 2017).
17 “Under the ‘either viewpoint’ rule, the test for determining the amount in controversy is the
18 pecuniary result to either party which the judgment would directly produce.” *In re Ford Motor
19 Co./Citibank*, 264 F.3d 952, 959 (9th Cir. 2001).

20 Because all parties are citizens of different states and the amount in controversy exceeds
21 \$75,000, removal on the basis of diversity should be allowed pursuant to 28 U.S.C. § 1441(b).

**COMPLETE DIVERSITY OF CITIZENSHIP EXISTS BETWEEN
PLAINTIFFS AND ALL DEFENDANTS**

Plaintiff PEOPLE OF THE STATE OF CALIFORNIA and COUNTY OF SANTA CLARA (“Plaintiff”) is a resident, citizen and domiciliary of the State of California.

Defendants KE "JASON" WANG and CHUNYAN "CATHY" GE, are citizens of the People's Republic of China, who are domiciled and reside at 736 Yingchun Road, Building 1, Room 301, Pudong District, Shanghai City, China, 200011.

WOODSIDE CAPITAL, WALNUT VENTURE LLC, and MORGAN VENTURE LLC are California limited liability companies with its principle place of business in the State of California, which is principally owned by Defendants KE “JASON” WANG and CHUNYAN “CATHY” GE, who are citizens of the People’s Republic of China, who are domiciled and reside at 736 Yingchun Road, Building 1, Room 301, Pudong District, Shanghai City, China, 200011.

Pursuant to 28 U.S.C. § 1441(a), "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States...." Further, "[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy ... is between ... *citizens of different states and in which citizens or subjects of a foreign state are additional parties....*" 28 U.S.C. § 1332(a)(3) (emphasis added). See Also *Transure, Inc. v. Marsh & McLennan, Inc.*, 766 F.2d 1297, 1298-99 (9th Cir.1985) (pursuant to § 1332(a)(3) presence of aliens on both sides does not defeat diversity when citizens of United States on both sides who satisfy diversity requirements); 28 U.S.C. § 1332(a)(3) (diversity jurisdiction extends to actions between "citizens of different States and in which citizens or subjects of a foreign state are additional parties").

THE OTHER PREREQUISITES FOR REMOVAL ARE SATISFIED

2 This Notice of Removal is timely filed. The relevant statute provides that “[e]ach defendant
3 shall have 30 days after receipt … of the initial pleading … to file the notice of removal.” 28 U.S.C.
4 § 1446(b)(2)(B). Plaintiff filed the Complaint with the state court on July 9th, 2020. Defendants has
5 been served with a copy of the Summons or Complaint, on July 21st, 2020.

6 This action is properly removed to the United States District Court for the Northern District
7 of California, San Jose Courthouse, which is “the district and division embracing the place where
8 [the] action is pending.” 28 U.S.C. § 1441(a); *see also* 28 U.S.C. § 84(c)(2) (listing the counties
9 within the San Jose Court house of the Northern District of California).

10 Pursuant to 28 U.S.C. § 1446(d), a Notice to Adverse Party of Removal to Federal Court,
11 attached hereto together with this Notice of Removal, will be served upon counsel for Plaintiff, and
12 will be filed with the clerk of the Superior Court for the County of Santa Clara.

1 **DEFENDANTS HAVE COMPLIED WITH THE REQUIREMENTS FOR REMOVAL**

2 This action is removable under 28 U.S.C.A. § 1441(b) and the Defendants *Notice of*
3 *Removal* is timely filed pursuant to 28 U.S.C.A. § 1446(a). The Defendants first received notice
4 of the contents of the *Complaint For Injunctive Relief And Damages*, on July 21, 2020 when a
5 copy was served on Defendant Ke Wang. Defendants Ke Wang, Chunyan Ge, Woodside Capital
6 LLC, Walnut Venture LLC, and Morgan Venture LLC have joined in the removal of this case as
7 evidenced by the signature below.

8 The following documents are attached as required by 28 U.S.C.A. § 1446(a).

9 Exhibit A – An index of the state court documents that are being filed with this Notice
10 and that are included in Exhibit B;

11 Exhibit B – Copies of each document filed in state court, excluding discovery material,
12 individually tabbed and arranged in chronological order in accordance with the state court
13 file date.

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1 By filing this Notice of Removal, Defendant(s) do not waive their right to seek to compel
2 arbitration, or to object to jurisdiction over the person, or venue, and specifically reserves the right
3 to assert any defenses and/or objections to which it may be qualified to assert.

4 If any question arises as to the propriety of the removal of this action, Defendant(s)
5 respectfully requests the opportunity to submit briefing and oral argument and to conduct discovery
6 in support of its position that subject matter jurisdiction exists.

7 DATED: August 13, 2020

8 */s/ KE "JASON" WANG*
9 KE "JASON" WANG
10 660 Covington Rd.
11 Los Altos CA 94024
12 (650) 796-7118
13 wangkejason@gmail.com

14 Defendant *In Pro Per*

15 */s/ CHUNYAN "CATHY" GE*
16 CHUNYAN "CATHY" GE
17 660 Covington Rd.
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19 (650) 796-7118
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21 Defendant *In Pro Per*

22 */s/ WOODSIDE CAPITAL LLC*
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28 Defendant *In Pro Per*

/S/ MORGAN VENTURES LLC

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Defendant *In Pro Per*

/s/ WALNUT VENTURE LLC

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Los Altos CA 94024
(650) 796-7118
wangkejason@gmail.com

Defendant *In Pro Per*

VERIFICATION OF KE "JASON" WANG

My name is KE "JASON" WANG, who is over the age of 18, and of sound my and body. I am competent to testify to the facts herein because my testimony is based upon my personal knowledge of the events described herein. If granted the opportunity to testify before this court, my testimony will be the same as set forth herein.

I, the undersigned, hereby declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on the 13th day of August 2020, at Los Altos, California.

1st KE "JASON" WANG
KE "JASON" WANG
660 Covington Rd.
Los Altos CA 94024
(650) 796-7118
wangkejason@gmail.com

Defendant *In Pro Per*

VERIFICATION OF CHUNYAN “CATHY” GE

My name is CHUNYAN "CATHY" GE, who is over the age of 18, and of sound mind and body. I am competent to testify to the facts herein because my testimony is based upon my personal knowledge of the events described herein. If granted the opportunity to testify before this court, my testimony will be the same as set forth herein.

I, the undersigned, hereby declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on the 13th day of August 2020, at Los Altos, California.

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